

**REMARKS**

This responds to the Office Action mailed on November 7, 2007.

Claims 1, 9, 14 and 15 are amended, no claims are canceled or added; as a result, claims 1-3, 5-11 and 13-16 remain pending in this application.

***Objection to the Specification***

The Office Action objects to the specification asserting that the amendments to Table 6 provided in the Response filed November 24, 2006 introduces new matter. Applicant respectfully disagrees. The amendment to Table 6 is an obvious correction of a minor typographical error. The amendment to Table 6 places the entries in the Time row in conformance with the column headings and the other entries in the columns. That is, the entries under the heading “Maximum” in Table 6 now all compare Time, Frequency and Bandwidth measurements to maximum values. Similarly, the entries under the heading “Minimum” in Table 6 are now consistent and compare Time, Frequency and Bandwidth measurements to minimum values. Applicant respectfully submits that a person having ordinary skill in the art would appreciate that the amendments to the specification correct typographical errors and do not introduce new matter. Applicant respectfully requests removal of the objection to the specification.

***§112 Rejection of the Claims***

Claims 1-3, 5-11 and 13-16 were rejected under 35 U.S.C. § 112, first paragraph, as lacking adequate description or enablement. In particular, the Office Action states in paragraph 4-1 that the specification, at page 29, lines 21-23, refers to preallocation of tasks, and not couplings, therefore “preallocating each coupling...” is not supported in the specification. Applicant respectfully traverses the rejection. The specification, at page 17, lines 9-12 states that “the control couplings represent both the precedence constraints and the degree of connectivity between tasks.” Because couplings include control couplings, and because control couplings includes tasks, the specification fully supports preallocating couplings as recited in claim 1. In

addition, Applicant has amended claim 1 (and claim 9) so as to clarify that tasks in couplings are preallocated.

Claim 9 was rejected in paragraph 4-2 of the Office Action using the same reasoning as claim 1. Applicant respectfully submits that claim 9 is fully supported by the original disclosure for the same reason as discussed above regarding claim 1.

Claim 14 was rejected in paragraph 5 of the Office Action, in particular because the Office Action asserts that all elements of the group including latency value, timing strength, frequency strength and bandwidth strength were considered to be required. While Applicant does not agree with the statement in the Office Action, in order to expedite prosecution Applicant has amended claim 14 such that each element of the group are now used in determining a data coupling strength.

Claim 15 was rejected under 35 U.S.C. §112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, in paragraph 7-1 of the Office Action as being dependent on a canceled claim, claim 12. Applicant has amended claim 15 such that it now depends from pending claim 9.

For the reasons discussed above, Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 1-3, 5-11 and 13-16 under 35 U.S.C. §112.

#### *§101 Rejection of the Claims*

Claims 1-3 and 5-8 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Office Action, at paragraph 9-1, states that the claims do not produce a useful, concrete and tangible result. Applicant has amend claim 1 to include “allocating the defined set of components to computer hardware resources according to the modularity and the coupling strength.” Applicant respectfully submits that allocating components to hardware resources is a real world application that clearly produces a useful, concrete and tangible result of the method recited in claims 1-3 and 5-8. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 1-3 and 5-8.

*Reservation of Rights*

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111**

Serial Number: 09/688,006

Filing Date: October 13, 2000

Title: USING CONSTRAINT-BASED HEURISTICS TO SATISFY STATIC SOFTWARE PARTITIONING AND ALLOCATION OF HETEROGENEOUS DISTRIBUTED SYSTEMS

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Dkt: 1142.001US1

**CONCLUSION**

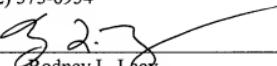
Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6954 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date May 7, 2008

By   
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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 12 day of May 2008.

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Signature